

Special Appeal No. 26 of 2004

Hon. V. S. Sirpurkar, C.J.

Hon. Irshad Hussain, J.

Mr. Alok Singh, Senior, learned counsel for the appellant and Mr. Manoj Tiwari, learned counsel for the respondent appeared.

We do not see any reason to interfere in the judgment of the learned Single Judge, which is correct judgment in our opinion. Learned Single Judge has taken correct view of the matter that the petitioner therein was always and has always been senior to Hari Bilas Upreti, who was given promotion. That was an admitted fact. It was not alleged before the learned Single Judge that the promotion depended on any other consideration except the seniority. If that was so, the learned Single Judge has rightly held that the promotion was to go alongwith seniority.

The only further defence raised was that the petitioner did not challenge the promotion granted to the Hari Bilas Upreti. He has no reason to do that so long as his own interests were safeguarded. In that view, the Special Appeal is hereby dismissed.

(I.H.J.)
25.8.2004

(V.S.S,C.J.)
25.8.2004

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